IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

WP(C).No. 10240 of 2007(R)

PETITIONER:

SMITHA A.G., PEECHATTU HOUSE,
KOZHIPPLLY P.O., KOTHAMANGALAM,
ERNAKULAM DISTRICT.

BY ADV. SRI.P.V.BABY
SRI.A.N.SANTHOSH

RESPONDENTS:

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1. THE IDUKKI DISTRICT EX-SERVICEMEN CO-OPERATIVE SOCIETY LTD. NO.1548, TVS BUILDING, NEAR MOUNT SINAI ROAD, THODUPUZHA- 685 584, REPRESENTED BY ITS HONORARY SECRETARY.

2. THE BOARD OF MANAGEMENT OF THE IDUKKI DISTRICT EX-SERVICEMEN CO-OPERATIVE SOCIETY LTD. NO.I 548, TVS BUILDING, NEAR MOUNT SINAI ROAD, THODUPUZHA-685 584, REPRESENTED BY ITS PRESIDENT.

3. DEEPA SHIJU, DAILY WAGE STAFF, THE IDUKKI DISTRICT EX-SERVICEMEN CO-OPERATIVE SOCIETY LTD.NO.1548, TVS BUILDING, NEAR MOUNT SINAI ROAD, THODUPUZHA-685 584.

4. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), IDUKKI.

BY ADV. SRI.T.SETHUMADHAVAN
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR
SRI.P.N.MOHANAN
GOVT. PLEADER SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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W.P.(C).No. 10240 OF 2007

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Dated this the 18th day of August, 2007

JUDGMENT

Petitioner has approached this court seeking to challenge Ext.P1 notification. Petitioner also seeks to declare that first respondent is a credit co-operative society. According to the petitioner first respondent is a credit co-operative society and they are bound to follow the statutory provisions contained in Section 80B of the Kerala Co-operative Societies Act. Under Section 80B the proceeding has to be done by the Kerala Co-operative Service Examination Board.

Counter affidavit is filed by the first respondent in which they have produced Exts.R1 A and R1 B. Therein it is specifically stated that the society is a miscellaneous society. According to the respondents the classification has been so done under Rule 15 of the Kerala Co-operative Societies Rules and therefore the contention of the petitioner that the first respondent is a credit co-operative society is without any basis.

There is infact no prayer challenging Ext.R1(a) and (b) also. In fact Rule 15 provides that if any question arises as to the classification of the society, it shall be referred to the Registrar for decision and the decision thereon shall be final. The classification has been made under the Rules way back in the year 2001. If that be so, the whole case of the petitioner that the society is a primary credit society is without any basis. In such circumstances, there is no merit in the writ petition. Accordingly, the writ petition is dismissed.

(K.M.JOSEPH, JUDGE)

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